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EXAMINER

PARRY, CHRISTOPHER L

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/003,720 | DEW ET AL. | |
| | Examiner | Art Unit | |
| | Chris Parry | 2623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 7 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's arguments (Page 7, 3rd ¶) that a zip code cannot represent the location of a TV with respect to a dwelling, the examiner respectfully disagrees. If a dwelling is located in a zip code, for example 22202, then implicitly the TV that is located within the dwelling must be located within the same zip code 22202 and therefore Staron meets the claimed limitation establishing at least one TV channel based on the location of a TV with respect to a dwelling.

Claim Objections

2. Claims 17 and 18 are objected to because of the following informalities: On line 1 of claims 17 and 18, "means for correlating" should be --means for using the input--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Staron (U.S. 5,805,230).

Regarding Claim 1, Staron discloses a system for automatically establishing at least one TV or EPG based on a location of a TV with respect to a dwelling (Abstract) comprising: a TV (Col. 5, lines 35-53). Staron discloses in figure 3, the user enters his ZIP code using an interface device 41 of a known type including a control keypad and an infrared transmitter and receiver. The microprocessor 38 starts the automatic programming method described above with reference to FIG. 2, receiving the special data via the bus 40. It programs the tuner via the bus.

Staron teaches, a processor coupled to the TV and receiving information representative of a location of a TV with respect to a dwelling (Col. 5, lines 35-53). Staron discloses the processor establishes at least one channel based at least partially thereon by disclosing the microprocessor 38 or "processor" starts the automatic programming or "establishing at least one channel" method described above with

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reference to FIG. 2 by using the zip code entered by the user which indicates the location of the TV with respect to the location of a dwelling.

As for Claim 2, Staron teaches, "wherein the information is input by a viewer of the TV" by disclosing the user enters his ZIP code using an interface device 41 (Col. 5, lines 47-48).

As for Claim 4, Staron teaches, "wherein the processor accesses a set of heuristics to undertake the establishing act" by disclosing a user will enter a zip code and the TV receiver using the zip code can then, by means of criteria indicating the quality of the reception, automatically choose the channel table whose data provide the best reception (Col. 3, lines 1-20).

As for Claim 5, Staron teaches, "an input device manipulable to establish the channels" by disclosing user interface 41 shown in figure 3 (Col. 5, lines 35-53).

As for Claim 6, Staron teaches, "wherein manually input channels are used by the processor to alter the heuristics" by disclosing to alter or receive the channel line up, the user enters a new zip code using user interface 41 (Col. 4, lines 23-29).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staron (U.S. 5,805,230) in view of Bednarek et al. "Bednarek" (U.S. 6,009,119).

As for Claim 3, Staron fails to explicitly disclose wherein the information or "zip code" is received via a global positioning satellite. In an analogous art, Bednarek teaches the use of an IRD set-top box 37 with means to receive GPS signals using antenna 36 as shown in figure 2. Bednarek further discloses using GPS coordinates to enable the process of descrambling a scrambled program. Bednarek discloses conditional access, which results in descrambling the program for use occurs (i.e., access is granted) when all of the following conditions are met:

1. The Region Code which accompanies scrambled programming must match the Region Index previously transmitted by the Service Provider and securely stored in the box.

2. The GPS must indicate, per the discussion relative to the parent application and as discussed for FIGS. 1-6 above, the Set-Top box has not been moved from its authorized location.

3. Other conditional access criteria, which includes the customer subscription to the particular programming and satisfactory account status.

Bednarek discloses GPS coordinates are supplied to the GPS processor 54 and the processor uses the current coordinates and compares to coordinates to the saved coordinates for the set-top box (Col. 17, lines 25-49). If the GPS coordinates do not match then it is determined that the set-top box has been moved to an unauthorized position (Col. 10, lines 16-30 and Col. 11, lines 12-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Staron with the teachings of Bednarek in order for the processor to receive location information from a global positioning satellite for the benefit of getting a more accurate calculation of the position of the set-top box in order to facilitate receiving authorized programming (Bednarek – Background).

Considering Claim 13, the claimed elements of wherein the input is received from a global positioning satellite, corresponds with subject matter mentioned above in the rejection of claim 3, and is likewise treated.

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7. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staron (U.S. 5,805,230) in view of Lawler (U.S. 5,758,259).

Regarding Claim 7, Staron discloses a method for establishing at least one TV channel on a TV based on at least one of: location of the TV (Col. 3, line 47 – Col. 4, line 22), comprising: providing a set of correlation heuristics (Col. 3, lines 1-20). Staron discloses when the user enters his zip code, the zip code is used to identify channel tables within his area and the TV receiver can then by means of criteria or “set of correlation heuristics” indicate the quality of the reception by automatically choosing the channel table whose data provides the best reception.

Staron teaches, receiving an input comprising at least one of: the location... (Col. 3, lines 47-49).

Staron teaches, accessing the set of correlation heuristics to correlate the input to the channel (Col. 3, line 54 – Col. 4, line 22). Staron discloses when a zip code corresponds to two or more channel tables, the method can select only the table corresponding to the best reception by accessing a set of criteria or “set of correlation heuristics” (Col. 3, lines 1-13). It does this by systematically scanning all the data transmitted and recording the channel tables corresponding to the same zip code and the AGC levels of each of the channels and comparing the AGC levels (Col. 3, lines 13-20).

However, Staron fails to disclose if a first input is sensed two or more times contemporaneously with a manually-input setting, correlating the input to the setting. In an analogous art, Lawler discloses if a first input is sensed two or more times contemporaneously with a manually-input setting, correlating the input to the setting (Col. 9, lines 12-18). Lawler teaches if two programs are scheduled for a selected time, the program that has the highest correlation value is selected. Lawler gives as an example, because the David Letterman talk show comprises two actors on the show that are regularly viewed by the user, Letterman is selected over Jennings (Col. 8, line 63 – Col. 9, line 11). Accordingly, Lawler discloses Letterman is input two or more times, the correlation value is compared to Peter Jennings value, and since Letterman has a higher value, his talk show is selected which reads on claimed limitation of “with a manually-input setting correlating the input to the setting”. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Staron to include if a first input is sensed two or more times contemporaneously with a manually-input setting, correlating the input to the setting as taught by Lawler for the benefit of determining preferred programs for the viewer based on inputs that are sensed multiple times from the user (Lawler – Col. 9, lines 14-26).

As for Claim 8, Staron and Lawler disclose, in particular Staron teaches wherein the location is a location of the TV within a building by disclosing a user enters his/her zip code to identify where his/her TV is located with respect to the location of his/her building (Staron - Col. 3, lines 41-49).

As for Claim 9, Staron and Lawler disclose, in particular Staron teaches wherein the location is a geographic location of the TV by disclosing the user enters his zip code using an interface device 41 (Col. 5, lines 47-48).

As for Claims 10 and 11, the claims are rejected as the claims fail to be further limiting of claim 7.

As for Claim 12, Staron and Lawler disclose, in particular Staron teaches wherein the input is received from a viewer of the TV by disclosing when the user enters his/her zip code, the input is then stored in memory (Col. 3, lines 47-52 and Col. 5, lines 47-49).

8. Claims 14-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons et al. "Lemmons" (U.S. 6,266,814) in view of Legall et al. "Legall" (U.S. 6,005,565).

Regarding Claim 14, Lemmons discloses a system (70 – figure 2) for tailoring TV channels to...a time, comprising: means for inputting the...time to establish an input (Fig. 22-23) (Col. 29, lines 15-26 and Col. 29, lines 59-64). Lemmons discloses the user can use remote control 78 to view the day-to-view screen 300, as shown in figure 8, to

select or input a time of the day and the EPG corresponding to the selected time will be displayed.

Lemmons discloses, means for using the input to display first programs on an electronic program guide (EPG) and to...delete second programs on the EPG (figure 8) (Col. 16, lines 20-40). For example a user can select to view all programs in the morning between 7:00-11:00 AM (322 – figure 8) and all the programs during that time period will be highlighted and programs outside of that time will be deleted and not viewed by the user (Col. 29, lines 59-64) (Figs. 12-13 and 22-23).

However, Lemmons fails to explicitly disclose means for using the input to highlight first programs on an electronic program guide (EPG). In an analogous art, Legall discloses applying a filter to an EPG 316 in order to highlight programs for the user based off the filtered results (Col. 3, lines 11-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lemmons with the teachings of Legall to facilitate highlighting first programs in an EPG for the benefit of causing a selected set of programs to stand out or be more readily recognized by the user from a second set of programs.

As for Claim 15, Lemmons and Legall disclose, in particular Lemmons teaches wherein the means for inputting is a human-manipulable TV control device (78 – figure 2) associated with the TV (84 – figure 2) (Col. 7, lines 58-67).

As for Claim 18, Lemmons and Legall disclose, in particular Lemmons teaches wherein the means for correlating is a processor (74 – figure 2) located in a set-top box (70 – figure 2) associated with the TV (84 – figure 2) (Col. 7, lines 20-41).

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons in view of Legall as applied to claim 14 above, and further in view of Bednarek et al. “Bednarek” (U.S. 6,009,119).

As for Claim 16, the combination of Lemmons and Legall fail to disclose wherein the means for inputting is a wide area source of data. In an analogous art, Bednarek teaches the use of an IRD set-top box 37 with means to receive GPS signals using antenna 36 as shown in figure 2. Bednarek further discloses using GPS coordinates to enable the process of descrambling a scrambled program. Bednarek discloses conditional access, which results in descrambling the program for use occurs (i.e., access is granted) when all of the following conditions are met:

1. The Region Code which accompanies scrambled programming must match the Region Index previously transmitted by the Service Provider and securely stored in the box.
2. The GPS must indicate, per the discussion relative to the parent application and as discussed for FIGS. 1-6 above, the Set-Top box has not been moved from its authorized location.

3. Other conditional access criteria, which includes the customer subscription to the particular programming and satisfactory account status.

Bednarek discloses GPS coordinates are supplied to the GPS processor 54 and the processor uses the current coordinates and compares to coordinates to the saved coordinates for the set-top box (Col. 17, lines 25-49). If the GPS coordinates do not match then it is determined that the set-top box has been moved to an unauthorized position (Col. 10, lines 16-30 and Col. 11, lines 12-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Lemmons and Legall with the teachings of Bednarek in order to facilitate the means for inputting is a wide area source of data for the benefit of getting a more accurate calculation of the position of the set-top box in order to facilitate receiving authorized programming (Bednarek – Background).

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons in view of Legall as applied to claim 14 above, and further in view of Allen et al. "Allen" (U.S. 2003/0023742).

As for Claim 17, the combination of Lemmons and Legall disclose, in particular Lemmons teaches a system where the processor is located in a set-top box. However, the combination of Lemmons and Legall fail to disclose a system, wherein the means for correlating is a processor located in the TV. In an analogous art, Allen discloses it is well known for an advanced television 110 to have integrated STB functionalities

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(Paragraph 31). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Lemmons and Legall to include means for correlating is a processor located in the TV for the benefit of combining the processing capabilities of a set-top box with a TV in order to minimize the necessary components needed for the system.

Note to Applicant

11. Art Units 2611, 2614 and 2617 have changed to 2623. Please make sure all future correspondence indicate the new designation 2623.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Parry whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiners Initials: CLP
March 29, 2006


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